

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

GEORGE HENGLE, SHERRY BLACKBURN,)	
WILLIE ROSE, ELWOOD BUMBRY, TIFFANI)	
MYERS, STEVEN PIKE, SUE COLLINS,)	
LAWRENCE MWETHUKU, <i>on behalf of</i>)	
<i>themselves and all individuals similarly situated,</i>)	
)	
Plaintiffs,)	Civil Action No. 3:19-250
v.)	
)	
SCOTT ASNER; JOSHUA LANDY; SHERRY)	
TREPPA, CHAIRPERSON OF THE)	
HABEMATOEL POMO OF UPPER LAKE)	
EXECUTIVE COUNCIL, <i>in her official capacity;</i>)	
TRACEY TREPPA, VICE-CHAIRPERSON OF)	
THE HABEMATOEL POMO OF UPPER LAKE)	
EXECUTIVE COUNCIL, <i>in her official capacity;</i>)	
KATHLEEN TREPPA, TREASURER OF THE)	
HABEMATOEL POMO OF UPPER LAKE)	
EXECUTIVE COUNCIL, <i>in her official capacity;</i>)	
IRIS PICTON, SECRETARY OF THE)	
HABEMATOEL POMO OF UPPER LAKE)	
EXECUTIVE COUNCIL, <i>in her official capacity;</i>)	
SAM ICAY, MEMBER-AT-LARGE OF THE)	
HABEMATOEL POMO OF UPPER LAKE)	
EXECUTIVE COUNCIL, <i>in his official capacity;</i>)	
AIMEE JACKSON-PENN, MEMBER-AT-LARGE)	
OF THE HABEMATOEL POMO OF UPPER)	
LAKE EXECUTIVE COUNCIL, <i>in her official</i>)	
<i>capacity;</i> AMBER JACKSON, MEMBER-AT-)	
LARGE OF THE HABEMATOEL POMO OF)	
UPPER LAKE EXECUTIVE COUNCIL, <i>in her</i>)	
<i>official capacity;</i>)	
)	
Defendants.)	

TRIBAL DEFENDANTS' MOTION TO DISMISS

For the reasons stated in the accompanying Memorandum in Support of this Motion, Defendants Sherry Treppa, Chairperson of the Habematolel Pomo of Upper Lake Executive Council, *in her official capacity*; Tracey Treppa, Vice-Chairperson of the Habematolel Pomo of Upper Lake Executive Council, *in her official capacity*; Kathleen Treppa, Treasurer of the Habematolel Pomo of Upper Lake Executive Council, *in her official capacity*; Iris Picton, Secretary of the Habematolel Pomo of Upper Lake Executive Council, *in her official capacity*; Sam Icay, Member-at-Large of the Habematolel Pomo of Upper Lake Executive Council, *in his official capacity*; Aimee Jackson-Penn, Member-at-Large of the Habematolel Pomo of Upper Lake Executive Council, *in her official capacity*; and Amber Jackson, Member-at-Large of the Habematolel Pomo of Upper Lake Executive Council, *in her official capacity* (collectively “Tribal Defendants”) respectfully move to dismiss all claims against them in Plaintiffs’ First Amended Class Action Complaint, with prejudice to future claims.

DATED: August 9, 2019

Respectfully Submitted.

/s/ Matthew Skanchy
Matthew Skanchy (Bar No. 89575)
mskanchy@wilkinsonwalsh.com
Rakesh Kilaru (*pro hac vice*)
rkilaru@wilkinsonwalsh.com
James Rosenthal (*pro hac vice*)
jrosenthal@wilkinsonwalsh.com
Kosta Stojilkovic (*pro hac vice*)
kstojilkovic@wilkinsonwalsh.com
Beth Wilkinson (*pro hac vice*)
bwilkinson@wilkinsonwalsh.com
WILKINSON WALSH + ESKOVITZ LLP
2001 M Street NW, 10th Floor
Washington, D.C. 20036
Telephone: (202) 847-4000
Fax: (202) 847-4005

Counsel for Tribal Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2019, I electronically filed the foregoing document with the Clerk of Court using the ECF system, which will send notification of such filing to the following:

Kristi C. Kelly
kkelly@kellyguzzo.com
Andrew J. Guzzo
aguzzo@kellyguzzo.com
Casey S. Nash
casey@kellyguzzo.com
KELLY GUZZO, PLC
3925 Chain Bridge Road, Suite 202
Fairfax, VA 22030

Leonard A. Bennett
lenbennett@clalegal.com
Craig C. Marchiando
craig@clalegal.com
Elizabeth W. Hanes
elizabeth@clalegal.com
CONSUMER LITIGATION ASSOCIATES, P.C.
1800 Diagonal Road, Suite 600
Alexandria, VA 22314

James W. Speer
jay@vplc.org
VIRGINIA POVERTY LAW CENTER
919 East Main Street, Suite 610
Richmond, VA 23219

Counsel for Plaintiffs

Thomas J. Perrelli
TPerrelli@jenner.com
Jan A. Larson
JanLarson@jenner.com
JENNER & BLOCK LLP
1099 New York Avenue, NW
Washington DC, 20001

Counsel for Defendants Scott Asner and Joshua Landy

DATED: August 9, 2019

Respectfully Submitted.

/s/ Matthew Skanchy
Matthew Skanchy (Bar No. 89575)
mskanchy@wilkinsonwalsh.com
Rakesh Kilaru (*pro hac vice*)
rkilaru@wilkinsonwalsh.com
James Rosenthal (*pro hac vice*)
jrosenthal@wilkinsonwalsh.com
Kosta Stojilkovic (*pro hac vice*)
kstojilkovic@wilkinsonwalsh.com
Beth Wilkinson (*pro hac vice*)
bwilkinson@wilkinsonwalsh.com
WILKINSON WALSH + ESKOVITZ LLP
2001 M Street NW, 10th Floor
Washington, D.C. 20036
Telephone: (202) 847-4000
Fax: (202) 847-4005

Counsel for Tribal Defendants